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December 27, 2005

VIA ELECTRONIC FILING

Mr. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W., Room 700
Washington, DC 20423-0001

Re: **Finance Docket No. 34787**
D&I Railroad Company – Trackage Rights Exemption – BNSF
Railway Company

Dear Secretary Williams:

On November 29, 2005, the D&I Railroad Company ("D&I") filed in the above-captioned proceeding a verified notice of exemption pursuant to 49 C.F.R. § 1180.2(d)(7) to obtain certain trackage rights over rail lines in the states of South Dakota. Notice of the proposed transaction was served and published in the *Federal Register* on December 19, 2005. A petition to stay the proposed transaction was denied by decision served December 5, 2005, and D&I's exemption became effective on December 6, 2005.

D&I hereby advises the Board that it consummated the proposed transaction on December 27, 2005.

Respectfully submitted,



Myles L. Tobin
Attorney for D&I Railroad Company

MLT: arw
Enclosures.
cc: Adrian L. Steel, Jr., Esq.